

**PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT RE NUISANCE**

**EXHIBIT 12**

1 Page 1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

\*\*\*\*\*  
THE CITY OF HUNTINGTON,

Plaintiff,

v. CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN DRUG  
CORPORATION, et al,

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

vs.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al,

Defendants.

\*\*\*\*\*  
Videotaped and videoconference deposition of  
GORDON MERRY, taken by the Defendants pursuant to the West  
Virginia Federal Rules of Civil Procedure, in the  
above-entitled action, pursuant to notice, before Twyla  
Donathan, Registered Professional Reporter and Notary  
Public, at the Mountain Health Arena, ONE CIVIC CENTER  
PLAZA, HUNTINGTON, WEST VIRGINIA, on the 29th day of June,  
2020.

Page 36

1 dealing with it. It's been horrible.

2 Q So tell me about that, Mr. Merry. What  
3 challenges has Cabell County EMS seen because of the drug  
4 abuse that occurs here in Huntington and Cabell County?

5 A I've had medics assaulted. It became very  
6 common. I've had medics -- I had a young lady  
7 unfortunately take her life.

8 Q A medic?

9 A Yes. It's been a very, very horrible  
10 experience. I wouldn't wish this on anybody. Medics have  
11 left.

12 Going into houses where the mothers overdose and  
13 the kids are sitting there crying, wanting to know what's  
14 wrong with their mother. It's mentally -- and it's  
15 definitely taken its toll on the staff, turnovers,  
16 horrible. And it's just not EMS. It's police, fire, EMS,  
17 and hospitals. It's answering the same call or answering  
18 a call for the same person two or three times a day. It  
19 was a revolving door, on top of their normal calls that  
20 they had to answer. And the stress level was very high.

21 Q What's the name of the program, I think Jan  
22 Rader got started, to help with the compassion fatigue?  
23 Do you know what I'm referring to?

24 Let me ask you. Are you familiar with a

Page 92

1                    You can answer.

2        A      I do not know.

3        Q      What about the County or the City itself, did  
4 either of those entities play any role in contributing to  
5 the opioid abuse epidemic in Cabell County?

6        A      Not that I'm aware of.

7                    MS. QUEZON: Object to the form.

8        Q      So you think that the County and the City have  
9 done all that they can to address the opioid epidemic?

10      A      Yes. I think they've gone above and beyond  
11 trying to save our community. Because it absolutely  
12 destroyed this community.

13                    I grew up here. I've been here 67 years. It's  
14 been devastating. My partner's daughter is dead because  
15 she overdosed. As I said, one of my employees. It's been  
16 devastating to us, this community, to have this happen.

17      Q      Do you think -- Are things getting better?

18      A      I do. We're starting to get -- The QRT team is  
19 probably the best thing that happened. The whole  
20 community, it affected everyone. There is no one that  
21 doesn't know someone, has a loved one, that has passed. I  
22 mean, it's -- it's been devastating to this area.

23      Q      But the tide is starting to turn?

24      A      Yes. In my opinion.